

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DONALD WAYNE HAMILTON,

No. 2:18-cv-01226-JR

Petitioner,

ORDER

v.

BRAD CAIN,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Russo issued a Findings and Recommendation on December 1, 2020, in which she recommends that this Court deny the Amended Petition for Writ of Habeas Corpus and enter judgment dismissing this case with prejudice. F&R, ECF 51. Judge Russo also recommends the Court issue a certificate of appealability on Grounds 1, 3(D), and 3(F) of the Amended Petition. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Petitioner filed timely objections to the Magistrate Judge's Findings & Recommendation. Pet'r Obj., ECF 55. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Petitioner's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Russo's Findings and Recommendation [50]. Therefore, Petitioner's Amended Petition for Writ of Habeas Corpus [22] is DENIED and this case is dismissed with prejudice. The Court GRANTS a Certificate of Appealability on Grounds 1, 3(D), and 3(F).

IT IS SO ORDERED.

DATED: April 22, 2021.



MARCO A. HERNÁNDEZ
United States District Judge